



CITY OF HOUSTON

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December 20, 2021

The Honorable Alfred H. Bennett
United States District Judge
Southern District of Texas, Houston Division
Bob Casey United States Courthouse
515 Rusk, Room 8624
Houston, Texas 77002

Re: Civil Action No. 4:21-cv-270, *Clifford F. Tuttle, Jr., et al. v. City of Houston, et al.*; In the United States District Court, Southern District of Texas. Consolidated with: Civil Action No. 4:21-cv-272, *John Nicholas, et al. v. City of Houston, et al.*; In the United States District Court, Southern District of Texas.

Dear Judge Bennett,

During the December 15, 2021, the Court provided oral guidance on the four depositions it would allow for purposes of narrowly tailored discovery under *Backe*. The Court instructed the parties to attempt to agree on this order, and if agreement could not be reached the Court would issue its own narrowly tailored order. Today, the indicted and non-indicted individual defendant officers who are represented by the City of Houston Legal Department (the "City Officers")¹ report the parties' inability to submit an agreed proposed order.

The City Officers submitted two proposed orders for Plaintiffs' consideration, and they are attached hereto as exhibits **A** and **B**, respectively. Plaintiffs rejected both of these proposed orders, requested additional time and today submitted their proposed order. See the parties' correspondences attached hereto as exhibit **C**.

Rather than comply with the Court's instructions at the December 15, 2021 hearing and draft orders that adhered to the Court's oral instructions, Plaintiffs now seek to relitigate the Court's order, Doc. # 134.

¹ Eric Sepolio, Manuel Salazar, Thomas Wood, Oscar Pardo, Frank Medina, Clemente Reyna, Cedell Lovings, Nadeem Ashraf, Marsha Todd, Robert Gonzalez.

Council Members: Amy Peck Tarsha Jackson Abbie Kamin Carolyn Evans-Shabazz Dave Martin Tiffany Thomas Greg Travis Karla Cisneros
Robert Gallegos Edward Pollard Martha Castex-Tatum Mike Knox David W. Robinson Michael Kubosh Letitia Plummer Sallie Alcorn
Controller: Chris Brown

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In conclusion, City Officers, respectfully request the Court enter one of the two proposed orders attached hereto, which memorializes the Court's December 15, 2021 instructions and previous rulings.

Respectfully submitted,


/s/ Kelly Dempsey

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CERTIFICATE OF SERVICE

I hereby certify that pursuant to the Federal Rules of Civil Procedure, a true and correct copy of the foregoing was filed via CM/ECF and served via electronic filing manager to the following:

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